

SECOND REGULAR SESSION

SENATE BILL NO. 621

93RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREEN.

Pre-filed December 1, 2005, and ordered printed.

TERRY L. SPIELER, Secretary.

3195S.011

AN ACT

To repeal sections 630.165 and 630.410, RSMo, and to enact in lieu thereof three new sections relating to mental health facilities, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 630.165 and 630.410, RSMo, are repealed and three
2 new sections enacted in lieu thereof, to be known as sections 630.165, 630.410,
3 and 630.555, to read as follows:

630.165. 1. When any physician, dentist, chiropractor, optometrist,
2 podiatrist, intern, nurse, medical examiner, social worker, psychologist, minister,
3 Christian Science practitioner, peace officer, pharmacist, physical therapist,
4 facility administrator, nurse's aide [or], orderly, **or any other direct care staff**
5 in a residential facility, day program, **including privately funded**, or
6 specialized service operated, funded or licensed by the department or in a mental
7 health facility or mental health program in which people may be admitted on a
8 voluntary basis or are civilly detained pursuant to chapter 632, RSMo, or
9 employee of the department, **or of the private facility**, has reasonable cause
10 to believe that a patient, resident or client of a facility, program or service has
11 been abused or neglected, he or she shall immediately report or cause a report to
12 be made to the department or the department of health and senior services, if
13 such facility or program is licensed pursuant to chapter 197, RSMo.

14 2. The report shall contain the name and address of the residential
15 facility, day program or specialized service; the name of the patient, resident or
16 client; information regarding the nature of the abuse or neglect; the name of the
17 complainant, and any other information which might be helpful in an
18 investigation.

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 3. Any person required in subsection 1 of this section to report or cause
20 a report to be made to the department who fails to do so within a reasonable time
21 after the act of abuse or neglect is guilty of an infraction.

22 4. In addition to those persons required to report under subsection 1 of
23 this section, any other person having reasonable cause to believe that a resident
24 has been abused or neglected may report such information to the department.

25 5. Any person who knowingly files a false report of abuse or neglect is
26 guilty of a class A misdemeanor.

27 6. Any person having a prior conviction of filing false reports and who
28 subsequently files a false report of abuse or neglect pursuant to this section or
29 section 565.188, RSMo, is guilty of a class D felony.

630.410. 1. The department shall evaluate any proposed contract to
2 determine whether it meets the following criteria:

3 (1) Conformance with the conditions and priorities of the regional and
4 state division plans;

5 (2) Compliance with department rules and regulations.

6 **2. The department shall terminate a contract with a vendor**
7 **having a pattern or practice of abuse and neglect of patients, residents,**
8 **or clients or misappropriation of client funds or property.**

630.555. **Prior to closure or downsizing of any state facility**
2 **operated by the department of mental health, the director of the**
3 **department shall submit a cost-benefit analysis of and written plan for**
4 **the closure or downsizing of the facility to the senate and the house**
5 **appropriations committees on mental health for their consideration.**

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